

THE HONORABLE RONALD B. LEIGHTON

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT TACOMA

UNITED STATES OF AMERICA,

Plaintiff,

v.

OLIVER P. BRIGHAM,

Defendant.

NO. CR04-5488RBL

ORDER CONTINUING TRIAL
DATE AND DEADLINE FOR
PRE-TRIAL MOTIONS

THE COURT having considered the entirety of the record herein, including Defendant Oliver Brigham's unopposed motion to continue trial, comments and arguments of counsel and Defendant at a status conference held on April 12, 2005, and Defendant having submitted a written speedy trial waiver through September, 2005,

FINDS AND RULES AS FOLLOWS:

1. This case involves an alleged violation of the Archaeological Resource Protection Act, a specialized and complex area of law that is new to defense counsel. Counsel was appointed, after the first defense counsel withdrew, on February 22, 2005.

2. Defendant Brigham resides, and the alleged violation occurred, in a remote, rural location in Skamania County in Southern Washington, requiring several hours of travel time to visit. Because of this, trial preparation and consultation has taken longer than usual to progress.

3. Defense counsel has consulted with an expert archaeologist whose opinion will be crucial to plea negotiations and trial defense. The expert needs additional time to analyze the pertinent materials and prepare an opinion.

1 4. Because of all these factors, Defendant and Defense counsel agree that
2 they cannot adequately be prepared for trial on April 25, 2005. They request a continuance
3 until August or September, 2005.

4 5. The United States does not oppose a continuance until July or early
5 August, 2005.

6 6. Based upon the reasons stated herein and during the status conference,
7 and for the reasons stated in Defendant's motion to continue, **it is hereby ORDERED that**
8 **the trial shall be continued from April 25, 2005, until July 5, 2005, at 9:30 a.m.** The
9 deadline for filing pre-trial motions is extended to May 31, 2005. A pre-trial conference is
10 scheduled for June 21, 2005, at 9:00 a.m.

11 7. The Court FINDS that the period of time between April 25, 2005, until
12 July 5, 2005, shall be excluded from computation under 18 U.S.C. §§ 3161(h)(8)(A), and
13 3161(h)(8)(B)(i), (ii), and (iv), because of the nature of the prosecution, and the existence of
14 novel questions of law, and the need for counsel for the defendant for more time for effective
15 preparation, taking into account the exercise of due diligence, and that it is unreasonable to
16 expect adequate preparation for pretrial proceedings or for the trial itself within the time
17 limits established by the Speedy Trial Act.

18 8. The Court further FINDS that the ends of justice served by this
19 continuance outweigh the best interest of the public and Defendant in a speedy trial.

20 IT IS SO ORDERED this 13th day of April, 2005.

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23 RONALD B. LEIGHTON
24 UNITED STATES DISTRICT JUDGE
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